

# Agenda

## Item #4

**OFFICE OF ATTORNEY  
GENERAL**

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## *Memorandum*

**TO:** Commission on Governmental Ethics and Election Practices

**CC:** Jonathan Wayne, Executive Director

**FROM:** Phyllis Gardiner, Assistant Attorney General  
Leanne Robbin, Assistant Attorney General

**DATE:** October 21, 2008

**SUBJECT:** Status of Enforcement Matters

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What follows is a brief report on the status of two enforcement matters that were referred to our office concerning violations of the Maine Clean Election Act.

**Debra Reagan** – Ms. Reagan was a candidate for House District 143 in 2006, who failed to return \$4,518 in Maine Clean Election Act funds that were not spent on her campaign. Although she initially agreed to repay the funds in monthly installments to the Commission, a total of \$3,390 remained unpaid as of the end of February, 2008. We filed a civil complaint in Superior Court in March of this year seeking reimbursement of that amount, plus prejudgment interest and civil penalties. A default judgment was entered in June, 2008, and the principal balance remaining unpaid is now \$1,134. We are proceeding with collection efforts.

In July, 2008, Ms. Reagan was indicted by a York County Grand Jury for one count of theft and one count of misuse of entrusted property for having used the Clean Election funds to pay personal expenses. She is representing herself in this action, and initially moved to dismiss on the grounds that the court has no jurisdiction over her. The Superior Court denied that motion in September, and the case has now been scheduled for jury selection and trial on November 24, 2008.

**Bruce Ladd** – Mr. Ladd applied for certification as a Maine Clean Election Act candidate for House District 133 last spring. His request was not granted because of concerns about potential forgery of names on the receipt and acknowledgment forms that he submitted. On June 9, 2008, he withdrew his application and withdrew as a candidate. On July 8, 2008, the York County Grand Jury indicted him on two counts of aggravated forgery -- one count for the receipt and acknowledgement forms and one count for the money orders -- and a third count for

aggravated theft by deception. Mr. Ladd appeared with counsel and pled not guilty on September 19, 2008. Discovery has been provided to his counsel, but no trial date has been set.

STATE OF MAINE  
YORK, ss.

SUPERIOR COURT  
CRIMINAL ACTION  
DOCKET NO. CR-

STATE OF MAINE

v.

DEBRA REAGAN

D/O/B: 07/27/1956

R.R. No. 3 P.O. Box 56

Keene, Ontario KOL2GO

Defendant

)  
)  
) INDICTMENT FOR ONE COUNT OF THEFT  
) (17-A M.R.S. §358(1)(A) & (B)(5)) (CLASS C)  
) [COUNTS I], & ONE COUNT MISUSE OF  
) ENTRUSTED PROPERTY (17-A M.R.S. §903)  
) (CLASS D) [COUNT II]  
)  
)  
)  
)  
)  
)

**SEX: Female; HR: Brown;**  
**EYE: Gray; HT: 5'3"; WT: 143**

Incident # 2008-015-028

ATN #: 662967A

CTN #: 001 8468

002 5004

The Grand Jury charges:

**COUNT I**  
**(Theft by Misapplication)**

From on or about June 19, 2006 to on or about December 19, 2006, in the County of York, State of Maine, Defendant Debra Reagan ("Defendant") did commit theft pursuant to one scheme or course of conduct, in that she obtained property from the State of Maine, such property consisting of money with an aggregate value in excess of \$1,000, subject to a known legal obligation to make a specified payment, to wit, to use the funds only for campaign-related purposes or return the unspent funds to the Commission on Governmental Ethics and Election Practices (21-A M.R.S. §1125(6), (7-

A) & (12)(Supp. 2006)), and recklessly failed to make the required payment and dealt with the property obtained as the Defendant's own, in that the Defendant commingled the funds in a personal bank account, used the funds to pay personal expenses and failed to return the unspent funds as required, all in violation of 17-A M.R.S. §§ 352(5)(E), 358(1)(A) & (B)(5) (2006).

**COUNT II**  
**(Misuse of Entrusted Property)**

From on or about June 19, 2006 to on or about December 19, 2006, in the County of York, State of Maine, Defendant Debra Reagan ("Defendant") did misuse entrusted property, in that she dealt with property of the government, namely, public campaign funds, in a manner which she knew to be a violation of her duty and which involved a substantial risk of loss to the State of Maine, all in violation of 17-A M.R.S. § 903(1) and (3)(2006).

A True Bill.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Foreperson

SUPERIOR COURT  
CRIMINAL ACTION  
DOCKET NO. CR-

V.

On or about April 14, 2008, in the County of York, State of Maine, Defendant Bruce E. Ladd ("Defendant") did commit aggravated forgery, in that, with the intent to defraud or deceive the government, the Defendant falsely completed written instruments or knowingly uttered or possessed such instruments, which instruments were filed or required or authorized by law to be filed in or with a public office or public employee, to wit, the Qualifying Contributions Receipt and Acknowledgement forms in support of the Defendant's request for certification as a Clean Election Candidate for State House District Number 133, filed with the Saco City Clerk's Office and the State of Maine Commission of Governmental Ethics and Election Practices, copies of

which instruments are attached to this Indictment as Appendix A and incorporated in Count I by reference, all in violation of 17-A M.R.S. §702 (1)(D) and (2)( 2006).

## **COUNT II**

### **(Aggravated Forgery)**

On or about April 10, 2008, in the County of York, State of Maine, Defendant Bruce E. Ladd (“Defendant”) did commit aggravated forgery, in that, with the intent to defraud or deceive the government, the Defendant falsely completed written instruments or knowingly uttered or possessed such instruments, which instruments were filed or required or authorized by law to be filed in or with a public office or public employee, to wit, the money orders for qualifying contributions in support of the Defendant’s request for certification as a Clean Election Candidate, filed with the State of Maine Commission on Governmental Ethics and Election Practices, copies of which instruments are attached to this Indictment as Appendix B and incorporated in Count II by reference, all in violation of 17-A M.R.S. §702 (1)(D) and (2)(2006).

## **COUNT III**

### **(Attempted Theft by Deception)**

On or about April 15, 2008, in the County of York, State of Maine, Defendant Bruce E. Ladd (“Defendant”) did attempt to commit the crime of theft by deception against the State of Maine by intentionally engaging in conduct which, in fact, constituted a substantial step toward the commission of the crime of theft by deception, with the intent to complete the commission of that crime, in that he did attempt to obtain or exercise control over the property of the State of Maine, such property consisting of money with an aggregate value in excess of \$1,000 but not more than \$10,000, with the intent to deprive the State of Maine thereof, and as a result of deception, in that the Defendant did intentionally create or reinforce the impression that he had

obtained 50 qualifying signatures and contributions in support of his request for certification as a Clean Election Candidate for State House District 133, which impression was false and which Defendant did not believe to be true, all in violation of 17-A M.R.S. §§ 152(1)(D), 354(1)(A), (B)(4) and (2)(A) (2006).

A True Bill.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Foreperson